



SUPERIOR COURT OF WASHINGTON IN AND FOR PIERCE COUNTY

AMBER WRIGHT,

Plaintiff,

No. 10-2-08114-9

v.

STATE OF WASHINGTON, DSHS

Defendant.

~~PROPOSED~~
JUDGMENT AGAINST DSHS

**With Findings of Fact &
Conclusions of Law**

CLERK'S ACTION REQUIRED

JUDGMENT SUMMARY (RCW 4.64.030)

- | | | |
|----|---|--|
| 1. | Judgment Creditor: | Amber Wright |
| 2. | Judgment Creditors Attorneys: | David P. Moody
Marty McLean
Carter W. Hick |
| 3. | Judgment Debtor: | State of Washington, DSHS |
| 4. | Total Judgment Amount: | \$649,896.87 |
| 5. | Pre-judgment Interest: | \$0 |
| 6. | Post-judgment Interest: | \$0 |
| 7. | Taxable Costs and Attorneys' fees: | Included in Total Judgment Amount |
| | | Total: \$649,896.87 |

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1
2 **Active Role Taken By Court**

3 There was a bench trial on August 31 and September 1, 2011. Accordingly, this Court
4 served as the trier of fact and is familiar with the evidence, the law, the circumstances of this
5 case, and the dedication, skill and reputation of the attorneys. Before signing this order, the
6 Court carefully considered the briefing of the parties, the law, and heard oral argument from
7 counsel. Finally, this Court took an active role in determining the reasonableness of the award
8 for attorneys' fees, costs and penalties imposed.

9 **Findings of Fact**

10 The Court finds that there was an obstruction of justice, that the obstruction is clear, and
11 that it insults the citizens for a government entity to proceed as DSHS proceeded in this matter,
12 and therefore the Court finds that **penalties** of \$100/day are appropriate.

13 **The penalties equal \$287,800.00.**
14

15 The Court finds that **plaintiff's attorneys' fees** are reasonable and necessary because:

- 16 i. There were no duplicated efforts;
17 ii. There was a significant amount of time and labor required due to the novelty and
18 difficulty of the questions involved, and the skill requisite to perform the legal
19 services properly;
20 iii. The attorneys' fees charged are customary and reasonable in the locality for
21 similar legal services;
22 iv. The results obtained are exceptional;
23 v. The nature and length of the professional relationship between plaintiff and her
24 attorneys was significant and long-standing;
25
26

- 1 vi. Plaintiff's attorneys are experienced, have a particularly strong reputation for
2 successfully prosecuting claims against DSHS, including the largest public
3 records settlement against DSHS in state history; and
4 vii. The fee was contingent in nature, making this an all-or-nothing proposition for
5 plaintiff's attorneys.

6 The Court further finds that a **loadstar multiplier** of 2x is warranted given the reputation
7 and skill of plaintiff's attorneys, the contingent nature of this litigation, the result obtained for
8 plaintiff, and the obstacles surmounted due to DSHS' obstruction in obtaining these public
9 records.

10 **Attorneys' fees, including a multiplier of 2x, equal \$346,000.00.**

11
12 The Court finds that **plaintiff's litigation costs** are reasonable and necessary.

13 **The costs equal \$16,096.87.**

14
15 **Conclusions of Law**

16 1. Judgment shall be taken against Defendant State of Washington, DSHS, in the total
17 amount of \$649,896.87, which breaks down as follows;

- 18 a. \$287,800.00 for statutory penalties;
19 b. \$346,000.00 for attorneys' fees;
20 c. \$16,096.87 for litigation costs.

21 2. The total judgment of \$649,896.87 shall be deposited by Defendant State of
22 Washington, DSHS, into the Registry of the Pierce County Superior Court no later than five
23 business days after the date of entry and filing of this judgment;

24 3. Upon presentation of identification, the Pierce County Superior Court Clerk is
25 directed to release the funds to plaintiff's counsel, David P. Moody of Hagens Berman Sobol
26 Shapiro, LLP ("David P. Moody, Attorney, in trust for Amber Wright"); and

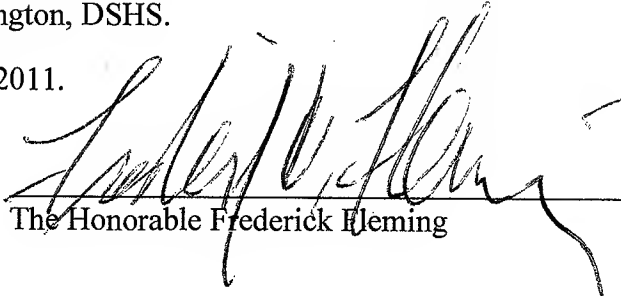
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4. Upon receipt of \$649,896.87, the Court Clerk shall enter satisfaction of the judgment against Defendant State of Washington, DSHS.

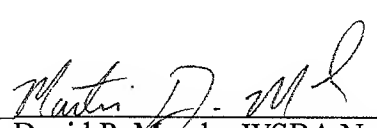
Ordered this 18th day of November, 2011.

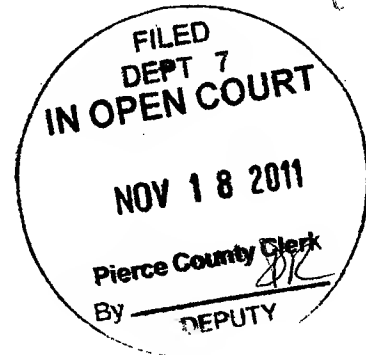

The Honorable Frederick Fleming

Presented by:

HAGENS BERMAN SOBOL SHAPIRO LLP
Attorneys for Plaintiff

By


David P. Moody, WSBA No. 22853
Martin D. McLean, WSBA No. 33269




CONNOLLY TACON & MESERVE
Co-Counsel for Plaintiff

By:


Carter W. Hick, WSBA No. 36721

Agreed as to Form


John D. Clark, AAG

WSBA 28537
Office of the Attorney General, Attorneys for DSHS
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HAGENS BERMAN

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